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15866 U.S. PTO 101305	FORM PTO-1390 (REV. 2-2005)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 8932-1191-999
	TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (if known, see 37CFR 1.5) 10/553495
INTERNATIONAL APPLICATION NO. PCT/CH2003/000247		INTERNATIONAL FILING DATE April 14, 2003		PRIORITY DATE CLAIMED April 14, 2003
TITLE OF INVENTION INTERVERTEBRAL IMPLANT				
APPLICANT(S) FOR DO/EO/US Daniel Baumgartner et al.				
Applicants herewith submit to the United States Designated/ Elected Office (DO/EO/US) the following items and other information:				
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The U.S. has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).				
Items 11 to 20 below concern document(s) or information included:				
<ol style="list-style-type: none">11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, a List Of References Cited, and copies of 3 foreign references.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.				

US APPLICATION NO. (If known, see 37 CFR 1.51) 10/553495	INTERNATIONAL APPLICATION NO. PCT/CH2003/000247	ATTORNEY'S DOCKET NUMBER 8932-1191-999
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17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: (1) International Preliminary Examination Report under PCT Article 36 (in German) and Article 34 Amendments annexed thereto; and
(2) International Search Report

21. The following fees are submitted:

BASIC NATIONAL FEE:

- ☒ a) Basic national fee..... **\$300.00**
- ☒ b) Examination fee.....
- Was the International Preliminary Examination Report prepared by the USPTO and do all filed claims in this U.S. application satisfy provisions of PCT Article 33(1)-(4) (i.e., novelty, inventive step and industrial capability)?.....
- ☐ i) Yes (\$100.00).....
- ☒ ii) No (\$200.00)..... **\$200.00**
- ☒ c) Search fee.....
- Was the USPTO the International Searching Authority?
- ☐ i) Yes (\$100.00)
- ii) If no:
- ☒ (a) An International Search Report will be provided to the USPTO on or before payment of the search fee. (\$400.00)..... **\$400.00**
- ☐ (b) No International Search Report will be provided to the USPTO. (\$500.00).....

TOTAL OF CALCULATIONS

= **\$900.00**

- ☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number).	RATE		
21 - 100	0 /50		x 250.00		\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE X		
Total Claims	33 - 20	13	x \$50.00	=	\$650.00
Independent Claims	1 - 3	0	x \$200.00	=	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	=	\$0.00

TOTAL OF ABOVE CALCULATIONS

= **\$1,550.00**

- ☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%

- \$0.00

SUBTOTAL

= **\$1,550.00**

Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$0.00

TOTAL NATIONAL FEE

= **\$1,550.00**

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Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property		\$0.00	
TOTAL FEES ENCLOSED	=	\$1,550.00	
	Amount to be refunded:		
	charged:		

a. ☐ A check in the amount of \$ to cover the above fees is enclosed.

b. ☒ This is an estimate of the fees due. Please charge the required fees to **Deposit Account No. 50-3013**. A copy of this sheet is enclosed.

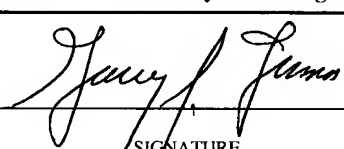
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account No. 50-3013**. A copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

22. ☐ Other instructions

23. ☒ All correspondence for this application should be mailed to **JONES DAY** Customer No. 51832

24. ☒ All telephone inquiries should be made to **Jones Day Docketing at 212-901-9028**.

Garry J. Tuma		40,210	October 13, 2005
NAME	SIGNATURE	REGISTRATION NO.	DATE